

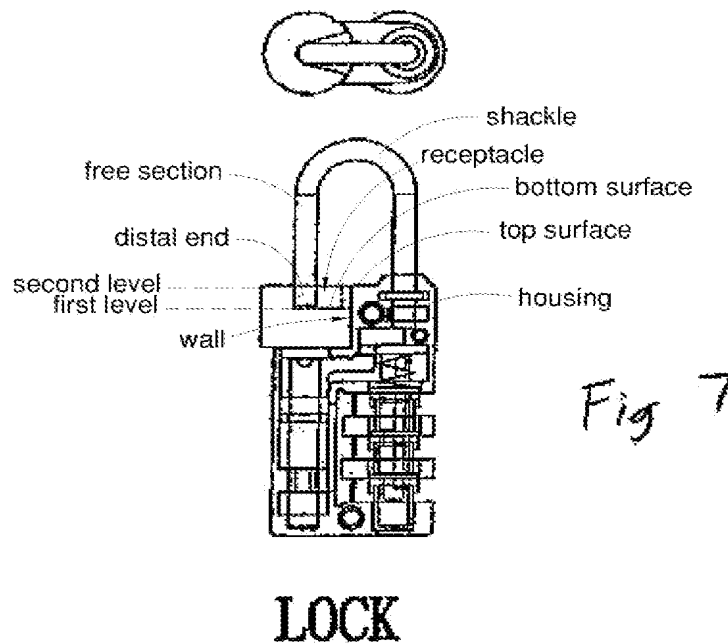
### REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

#### In the claims

The claims are amended to more clearly describe the present invention. Support for the amended claims is found at least in provisional Application No. 60/443,331 filed on January 29, 2003, as well as Fig. 14 of the present application.

More particularly, claim 38 has been amended, consistently with FIG. 7 of the provisional Application No. 60/443,331 (reproduced herein below, with annotations), to describe the padlock where a distal end of the free section of the shackle is set at a level higher than a first level defined by a bottom surface of the receptacle and lower than a second level defined by a top surface of the housing when the free section is placed in the locked position. In this way, the wall facing the receptacle is indeed provided to aid in the prevention of tampering with the free section of the shackle.



Applicant submits that the amended claims are fully supported by the present application and the provisional Application No. 60/443,331, and no new matter is added.

The *Columbia* reference

It is respectfully submitted that the inventors of the lock shown in the *Columbia* catalog are also inventors of the '331 application and of the present application. That is, the *Columbia* catalog shows products that are the work of the inventors of the present application.

Inventors *Chun Te Yu* and *Cory O. Nykoluk* have submitted herewith a declaration stating that they are the named inventors of the present invention and are co-inventors of the locks disclosed in the *Columbia* catalog and cited by the Examiner in the recent Office action.

Therefore, it is respectfully submitted that *Columbia* is not prior art to the pending application, since the present application was timely filed within one year of the publication of *Columbia*.

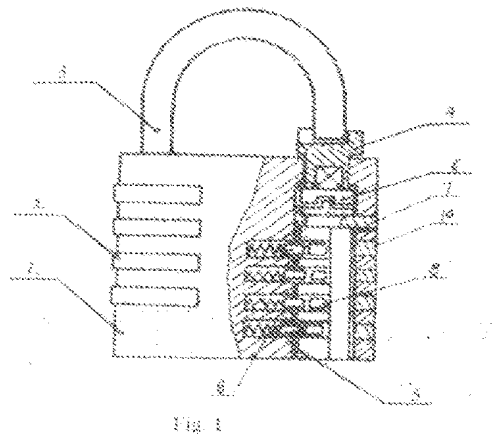
Rejection of claims 38 and 43 under 35 U.S.C. § 103(a) in view of *Liu*

Claims 38 and 43 presently stand rejected as being unpatentable over *Liu* (CN 2041340). This rejection is respectfully traversed for at least the following reasons.

As noted above, claim 38 is amended to more clearly describe the present invention, by pointing out that a distal end of the free section of the shackle is set at a level higher than a first level defined by a bottom surface of the receptacle and lower than a second level defined by a top surface of the housing when the free section is placed in the locked position. In this way, the wall facing the receptacle is provided to aid in the prevention of tampering with the free section of the shackle.

Applicant respectfully submits that *Liu* fails to disclose or suggest at least the aforementioned features of claim 38, such that *Liu* fails to form a prima facie case of obviousness of claim 38.

Referring to *Liu's* Fig. 1, (reproduced herein below) it is clear that the free section of the shackle is **not** set at a level higher than a first level defined by a bottom surface of the receptacle and **lower than a second level** defined by a top surface of the housing when the free section is placed in the locked position. On the contrary, the free end of the shackle is clearly set **above**, not below, a level defined by a top surface of the housing when the free section is placed in the locked position, different from the claimed arrangement.



Referring to *Liu's* Fig. 4, along with *Liu's* Figs. 5 and 6, Applicant submits that a differently functioning lock is shown wherein block 4 is machined with a **square hole** for reception of a square end of the shackle 3, and no **second opening defined in a side of said block portion and in communication with said first opening**. The square hole and lack of any side opening are clearly shown in *Liu's* Figs. 5 and 6. Hence, it can be well understood that the embodiment of *Liu's* Figs. 4-6 functions with a linear (that is, up/down) movement of the block 4, not a rotation. Further, Applicant submits that the square end of the shackle 3 is aligned with or above, not below, the left top surface of the housing 1. No aspect of *Liu's* Fig. 4 discloses or suggests that the free section of the shackle is set at a level higher than a first level defined by a bottom surface of the receptacle and lower than a second level defined by a top surface of the housing when the free section is placed in the locked position, at least because the end of the shackle 3 proximate to the block 4 is entirely obscured by the poor drawing quality. The only guidance as to the position of the free section of the shackle is found in *Liu's* Fig. 1,

wherein as noted above the free end of the shackle is clearly set **above**, not below, a level defined by a top surface of the housing.

Further, it is respectfully submitted that *Liu*'s sloping wall, shown in Fig. 4 facing the pin 4, provides no aid in the prevention of tampering, but simply a pleasant appearance for the lock.

For at least these reasons, it is respectfully submitted that persons of ordinary skill in the art would not be guided to the presently claimed invention in view of *Liu*. More particularly, it is submitted that *Liu* fails to form a prima facie case of obviousness of claim 38. Therefore, claim 38 is allowable over the cited reference, and claims 39, 42 and 43 are allowable at least due to their dependency. Accordingly, withdrawal of the rejection is requested.

Rejection of claims 38, 42 and 43 under 35 U.S.C. § 103(a) in view of *Liu* and *Columbia*

Claims 38 and 43 presently stand rejected as being unpatentable over *Liu* in view of the *Columbia* reference, and claims 38, 42 and 43 are rejected as unpatentable over the *Columbia* reference in view of *Liu*. These rejections are respectfully traversed for at least the following reasons.

As noted above, *Liu* fails to form a prima facie case of obviousness of claim 38. Further, as noted above, *Columbia* is not prior art to the pending application, since the locks shown in *Columbia* are invented by the same inventors as the present invention, and the present application was timely filed within one year of the publication of *Columbia*.

Therefore, because *Columbia* is not prior art to the present application, and *Liu* by itself fails to form a prima facie case of obviousness of claim 38, it is submitted that claim 38 is allowable, and claims 39, 42 and 43 are allowable at least due to their dependency. Accordingly, withdrawal of the rejection is requested.

Rejection of claims 38 and 43 under 35 U.S.C. § 103(a) in view of *Liu* and *Taylor*

Claims 38 and 43 presently stand rejected as being unpatentable over *Liu* (CN 2041340) in view of *Taylor et al.* (U.S. 2002/0088256). This rejection is respectfully traversed for at least the following reasons.

As discussed above, Claim 38 has been amended to recite the padlock where a distal end of the free section of the shackle is set at a level higher than a first level defined by a bottom surface of the receptacle and lower than a second level defined by a top surface of the housing when the free section is placed in the locked position. And, *Liu* fails to disclose or suggest that the shackle has its squared end lower than the top surface of the housing and higher than a bottom surface of the square hole of the pin 4. In this regard, it is submitted that *Taylor* fails cure the deficiencies of *Liu*.

Specifically, as depicted in FIG. 8 of *Taylor*, the free end of the shackle 14 is basically aligned with or above a top surface of the housing 12, regardless of whether the padlock is locked (FIG. 7) or unlocked (FIG. 8). *Taylor* fails to disclose or suggest that the shackle has its free end ***lower than*** the top surface of the housing 12.

For at least these reasons, it is respectfully submitted that *Liu* and *Taylor* fail to form a prima facie case of obviousness of claim 38. Therefore, claim 38 is allowable over the cited references, and withdrawal of the rejection is requested.

#### Rejection of claim 39 under 35 U.S.C. § 103(a)

Claim 39 presently stands rejected as being unpatentable over *Liu* in view of *Lai* (U.S. 6,035,672), *Liu* and *Columbia* in view of *Lai*, *Columbia* and *Liu* in view of *Lai*, and *Liu* and *Taylor* in view of *Lai*. These rejections are respectfully traversed for at least the following reasons.

It is respectfully submitted that *Lai* fails to supplement the deficiencies of *Liu*, *Columbia* and *Taylor* as discussed above. It is therefore respectfully submitted that claim 38 is allowable over the cited references, and that claim 39 is allowable over the cited references at least due to its dependency on Claim 38. Accordingly, withdrawal of these rejections is requested.

#### Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance.

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Examiner: Lloyd A. Gall  
Art Unit: 3673

Accordingly, it is requested that claims 38, 39, 42 and 43 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

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Date: June 24, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John R. Schaefer", written in a cursive style.

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